

From: David (038) Vangie Gardner
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you on a matter of great concern to myself and other professionals in the IT field. As you well know, a proposed settlement between the Department of Justice and Microsoft is before the courts. This settlement would hopefully end the anti-competitive and monopolistic practices of Microsoft Corporation. However, as currently written, I do not believe that this settlement will sufficiently dissuade Microsoft from illegal practices well established by precedent.

While there are many areas with which I take issue, I am particularly troubled by the lack of provisions to stop Microsoft from intentionally disabling competing operating systems (OS) and applications. In a private antitrust suit brought against Microsoft by Caldera in 1986, a judge found that "Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft." In that case, a company later acquired by Caldera, Digital Research, created a product called DR-DOS. DR-DOS, a competing OS, used the DOS API underlying Microsoft's MS-DOS OS to run programs written for MS-DOS. Windows 3.1, which also used the DOS API, intentionally included code to lead users to falsely believe Windows 3.1 and DR-DOS were incompatible.

As written, the proposed settlement does nothing to stop this practice.

Given its past behavior, there is no reason to believe Microsoft will not react similarly if faced with another competitor. Any settlement should lower--not raise--the barriers to competition. Otherwise, Microsoft can continue their monopolistic practices.

For this reason and many others, I strongly encourage you to reject the proposed settlement. America is built on the premise of capitalism. But capitalism cannot function properly if companies such as Microsoft are allowed to stifle innovation with anti-competitive practices.

Sincerely,
David Gardner